

**THE PLAN OF GOVERNMENT
OF THE
PARISH OF EAST BATON ROUGE
AND THE
CITY OF BATON ROUGE**



**ADOPTED AUGUST 12, 1947
EFFECTIVE JANUARY 1, 1949**

AMENDED

JULY 29, 1952
NOVEMBER 6, 1956
NOVEMBER 3, 1964
NOVEMBER 8, 1966
NOVEMBER 3, 1970
FEBRUARY 1, 1972
OCTOBER 27, 1979
SEPTEMBER 11, 1982
APRIL 16, 1988
OCTOBER 6, 1990
NOVEMBER 18, 1995
NOVEMBER 5, 1996
NOVEMBER 3, 1998
SEPTEMBER 30, 2006
OCTOBER 20, 2007
DECEMBER 6, 2014
DECEMBER 2, 2015

Proposed Amendments

The Parish of East
Baton Rouge and the
City of Baton Rouge

Plan of Government

Meeting Purpose

Overview of the East Baton Rouge Parish
Plan of Government

The Plan of Government Review Committee

Proposed Plan of Government Amendments

**Input and feedback regarding the proposed
Amendments**

Answer questions related to all of the above

Our Plan of Government: What It Does and Why It Matters

Parish Constitution

The Plan of Government functions as the parish's constitution and sets up the unified form of city-parish governance

Establishes Power & Control

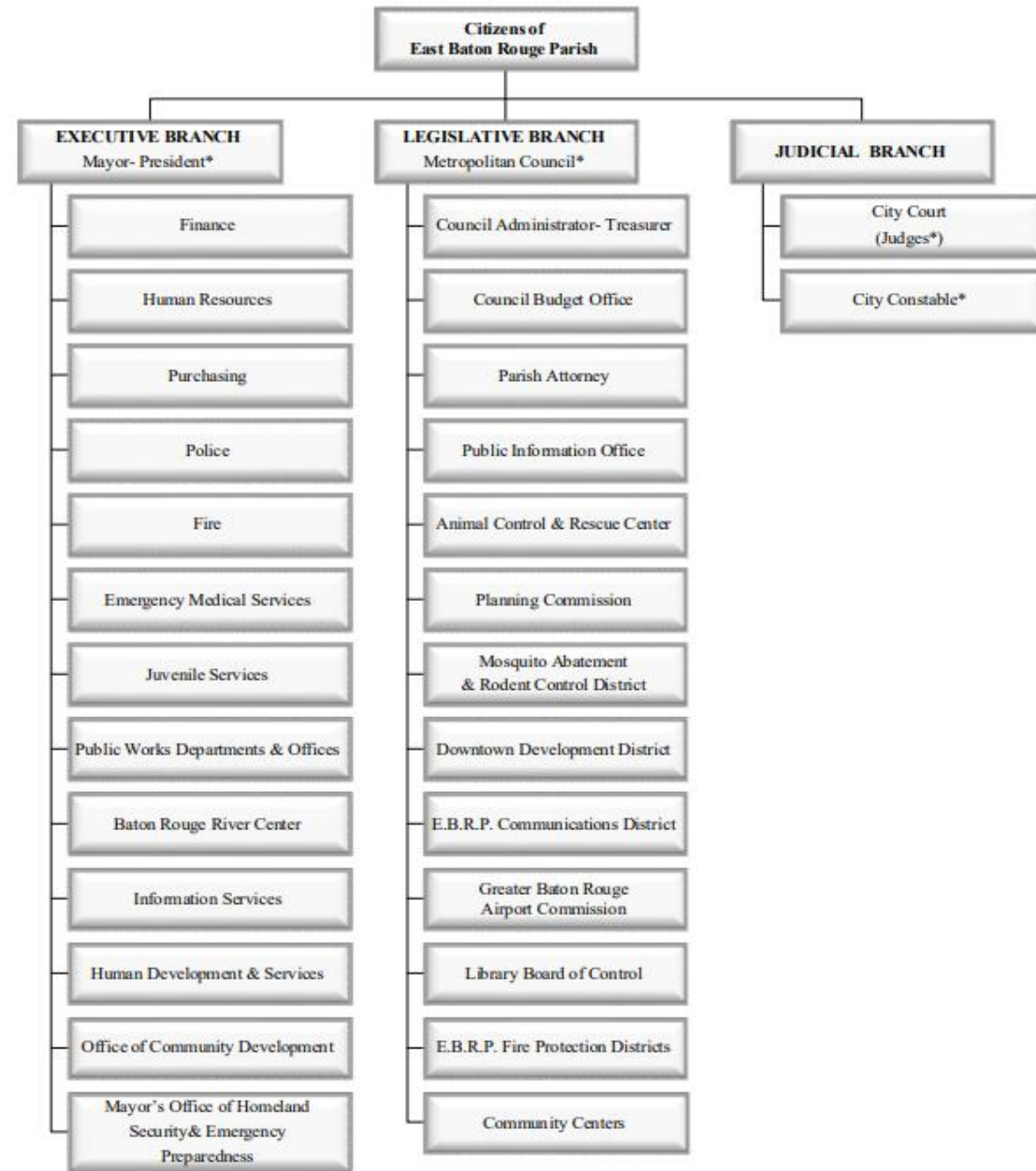
The balance of power between the Executive Branch and the Legislative Branch is a significant part of the purpose of the document. Under the current Plan, the Mayor-President has significant power, and the parish is considered a “strong executive” or “strong mayor” form of government

Directs Organization & Process

Establishes the Metropolitan Council and the Office of the Mayor President, the functions and powers of each, the power over taxation and budgets, as well as the departments and Boards and Commissions



East Baton Rouge Organizational Chart



Brief History of EBR's Plan of Government

Adopted August 12, 1947. Amended 17 times.

Previous comprehensive review of the Plan of Government was 2007.

*DPW reorganization in 2014

“A proposed amendment shall be submitted by the Council to the qualified voters of the parish...” (Section 11.09)

Plan of Government Chapter Index

Chapter 1: General Provisions

Chapter 2: Governing Bodies

Chapter 3: Governing Bodies – Powers and Duties

Chapter 4: Mayor-President

Chapter 5: Public Works

Chapter 6: Police Department

Chapter 7: Fire Department

Chapter 8: Finance

Chapter 9: Personnel

Chapter 10: Planning and Zoning

Chapter 11: Miscellaneous

2017 – 2019 Plan of Government Committee

Established in Sept. 2017 by Ordinance
52932

Met monthly between Nov. 2017 – Jun.
2019, dedicating a meeting to each chapter

Committee completed its chapter-by-
chapter evaluation work in Jun. 2019

Council Meeting Hearings:

- Chapters 1 – 4: August 14, 2019 Council meeting
- Chapters 5 – 8: August 28, 2019 Council meeting
- Chapters 9 – 11: September 11, 2019 Council meeting

2017 – 2019 Plan of Government Committee

Membership of the Committee:

- 3 Metro Council members
- Mayor-President Appointee
- Parish Attorney's Office
- City-Parish Finance Office
- Baton Rouge NAACP Chapter
- Greater Baton Rouge Federation of Civic Assoc.
- Southern Law School
- LSU Law School
- Baton Rouge Area Chamber
- Council Administrator

Overview of Proposed Plan of Government Amendments

ADMINISTRATIVE

General updates throughout the entire document

Chapter-specific updates to language, outdated references

Creates a new Chapter specific to the Purchasing Department

Consolidates Chapter 3 (Governing Body – Powers and Duties) into Chapter 2

SUBSTANTIVE

Amendments to Chapters 4 (Mayor-President), 8 (Finance) and 10 (Planning Commission)

Changes to Chapter 2: Governing Body

Administrative Proposals

ADMINISTRATIVE PROPOSALS

UPDATES THROUGHOUT THE DOCUMENT:

- **Removal of out-of-date references** to dates or references to employees employed at the time the Plan of Government was adopted.
- Language change for pronouns from “he” to “he or she” or to reference the title or position to which the pronoun refers. **Neutral references to gender** throughout.
- Providing for **publication by electronic means** when publication is required.
- **Removal of provisions that are duplicative** of state law or state constitution.
- **Correction of provisions** that reference or cite state law or state constitution.
- **Updates the titles of certain positions** to currently-used titles.

CHAPTER 1: GENERAL PROVISIONS

- Language change from terms “urban” and “rural” to **“incorporated” and “unincorporated”**.

ADMINISTRATIVE PROPOSALS (CONT.)

CHAPTER 5: DEPARTMENT OF PUBLIC WORKS

- Section 5.02: Streamlines the language outlining the **role of each public works department** to make duties and responsibilities clear and consistent.

CHAPTER 6: POLICE DEPARTMENT

- Section 6.03: **Removes outdated language** governing civil service status of police officers in 1949.

CHAPTER 7: FIRE DEPARTMENT

- Section 7.02: Clarifies that the **Fire Chief has the ability to promulgate rules and regulations** governing the employees of the fire department.
- Section 7.03: **Removes outdated language** governing civil service status of firemen in 1949.

ADMINISTRATIVE PROPOSALS (CONT.)

CHAPTER 9: PERSONNEL

- **Section 9.04**: Requires that **all rules and regulations promulgated by the Personnel Board** must be approved by the Metropolitan Council.
- **Section 9.05**: **Sets the date of notice** for any required documents to a civil service employee to be the date the document was placed in the mail.
- **Section 9.09**: **Removes outdated provision** with respect to existing employees in 1949.
- **Section 9.10**: **Prohibits discrimination** against anyone in the classified service based on their status as a member of a protected class consistent with law.

CHAPTER 11: MISCELLANEOUS

- **Section 11.01**: **Updates language for title** of Parish Attorney to “City-Parish Attorney”.
- **Section 11.02**: **Deletion of language** regarding Recreation and Park Commission because that is no longer the jurisdiction of City-Parish government.
- **Section 11.03**: **Removes outdated language** regarding the Library Board of Control membership in 1949.
- **Section 11.09**: **Updates the language** regarding amendments to the Plan of Government to be consistent with state law. Extends the time within which the Metropolitan Council can call an election for approval of proposed amendments.

ADMINISTRATIVE PROPOSALS (CONT.)

CHAPTER 3: GOVERNING BODY – POWERS AND DUTIES

- All provisions moved into Chapter 2: Governing Body.

NEW CHAPTER: PURCHASING DEPARTMENT

- Creates a separate chapter for Purchasing Department.
- Moves provisions governing the Purchasing Department from Chapter 4 to a new chapter, including updated language that Purchasing is a “department” not a “division,” and that the head of Purchasing is the “Purchasing Director.”

Substantive Proposal

CHAPTER 2: GOVERNING BODY

CHAPTER 2: GOVERNING BODY

- **Section 2.01:** Addition of one at-large Metropolitan Council member elected by the voters of East Baton Rouge Parish.
- **Section 2.03:** Requires that a candidate for Metropolitan Council member must have been a resident of the district and parish for at least two years before qualifying for office.
- **Section 2.05:** Removes the references to a specific compensation for Councilmembers in the POG. Requires that the Council approve the compensation of Councilmembers by ordinance at least one year prior to the beginning of each term (this is how the compensation is set for Mayor-President, Constable & other Constitutional Officers).
- **Section 2.06:** Requires that all vacancies in the office of councilmember be filled within 20 days of the vacancy regardless of the time left in the term. Requires that a vacancy in office when there is more than one year left in the term to be filled by appointment within 20 days, but that an election then be held for a representative of the district.
- **Section 2.07:** Requires that the president pro tempore and a vice president pro tempore be elected by the Metropolitan Council from among its members.

CHAPTER 2: GOVERNING BODY (CONT.)

- **Section 2.09**: Clarifies and makes consistent the voting requirements to simple majority (meaning more than one half of the membership) and super-majority (meaning 2/3 of membership).
- **Section 2.13**: Requires a super majority vote for removal of an officer appointed by the Metropolitan Council.
- **Section 2.16**: Requires the Council Budget Officer to attend all budget hearings conducted by the Mayor-President's Office and the Finance Department.
- **Section 2.17**: Decreases the attendance requirement for board and commission members from 75% of all meetings to 60% of all meetings.
- **Section 2.18**: Requires the Metro Council to adopt ordinances governing qualifications for board or commission members for certain boards and commissions.

Addition of One At-Large Council Seat

Current

- 12 council members, districts are mapped to seek equal population balance in all 12 single member districts
- Mayor Pro-Tempore elected from the 12 members to 4-year term

Proposed

- Retains 12 single-member council districts
- Creates 1 At-Large District, elected parish-wide
- Changes Mayor Pro-Tem term to 2 years
- Retains overall 3-term term limit
- Metro Council number and Pro-Tem changes would go into effect for the Metro Council elections in 2024

Addition of One At-Large Council Seat

Logic / Reasoning

- The committee discussed the value of having a member of the Metro Council whose constituency – like the Mayor President – would be the entire parish, in addition to the many who have the constituency of their districts.
- With only single member districts on the current Metro Council, there was discussion that the Council perhaps lacks someone with the same level of authoritative voice of the Mayor-President to participate in the parish's legislative deliberations with the same constituency.
- By comparison, the Committee heard data on the number of comparable sized counties around the country with at least one at-large seat, demonstrating that At-Large Seats are commonly used a means to offer larger communities a way to have broader input that represents the whole parish's concerns in legislative policy-making.
- The intent from the committee was to empower Metro Council deliberations to gain that broader focus on the challenges and the priorities of the whole parish.

Boards and Commissions

Current

- Boards and Commissions have no specific requirement for professional qualifications for their appointees
- Attendance requirement is 75% of regularly scheduled meetings of a board or commission each year

Proposed

- Requires the Metro Council to create ordinances to establish professional qualifications and relevant experience requirements for specific Boards and Commissions: CATS, Planning Commission, BREC, Library, ABC, GBR Airport, Board of Appeal, and the Board of Adjustment (Chapter 2.20)
- Attendance requirement lowered to 60% of regularly scheduled meetings of a board or commission each year

Boards and Commissions

Logic / Reasoning

- The committee heard testimony that there are commissions that meet four times a year and this constitution requires that the member be removed because of the 75% requirement.
- This has led to commissions unable to function for periods of time for lack of new replacement appointees and causing functional governance lapses.
- The current Plan of Government is strict in its expectation of attendance and allows no exceptions or excused absences, not even for medical emergencies.
- The committee's determination was not to weaken the strict requirement for attendance with no excused absences, but to reduce the attendance requirement by 15%, keeping it well above 50% but still mandating automatic removal for anyone who falls below.

Substantive Proposal

CHAPTER 4: MAYOR-PRESIDENT

CHAPTER 4: MAYOR- PRESIDENT

- **Section 4.01**: Imposes **term limits of two terms on the Mayor-President** for a Mayor elected to a first term of office after 2020.
- **Section 4.03**: Places the **Planning Department under the Mayor-President**. *Note: Deep dive on this in Chapter 10
- **Section 4.07 – Section 4.12**: Removes sections governing the **Purchasing Department** to a newly created chapter.
- **Section 4.14**: **Changes the duties of the CAO** to having department heads report directly to the CAO.
- **Section 4.08**: **Adds new position of Chief of Staff** to handle policy development, community engagement, and relationships with Councilmembers.
- **Section 4.09**: **Adds new position of Executive Counsel** to provide the Mayor-President's Office with independent legal advice and guidance.
- **Section 4.14**: **Adds requirement** that the CAO have at least five years' experience in an administrative capacity in municipal or state government OR have a master's degree in public administration, business administration, or a related field of management.

Mayoral Term Limit

Current

- Limits Mayor-President to three consecutive terms

Proposed

- Limits a Mayor-President to two consecutive terms, consistent with Executive Branch term limits for Governor and President

Mayoral Term Limit

Logic / Reasoning

- The committee discussed that the current three four-year terms of the Executive Branch is a longer term than the executives at the state or federal levels of government.
- The design of local government in EBR rests significant power in the person of the Mayor-President, with the power of creation of the budget, contracting, and management of nearly all agencies.
- Like role of Governor who has more power than legislators, the committee discussed that two terms for the Mayor-President would balance the power between Mayor-President and the legislative branch of the Metro Council (three terms).
- It did not intend to change the potential three terms for this Mayor-President and used language to provide for the option of three terms for the currently serving Mayor President.

City Manager as CAO, New Chief of Staff, New Executive Counsel

Current

- Chief Administrative Officer (CAO) must have five years' experience in an administrative capacity and graduated from a four-year college or university (Section 4.14)
- Duty is to assist Mayor in the supervision and coordination of the duties of the office (Section 4.14)

Proposed

- CAO must have at least 5 years' experience in municipal or state government administration; or graduated with a master's degree from a four-year college in public administration, business, or related management field
- Specifically states that CAO shall supervise the agencies that report to the Mayor-President
- CAO is hired and fired by Mayor-President, and must be confirmed by the Metro Council

City Manager as CAO, New Chief of Staff, New Executive Counsel

Proposed

- Creates two new positions for a Chief of Staff and Executive Counsel in the Office of the Mayor-President
- New Chief of Staff would be responsible for policy, community engagement, community relations, communications, diplomatic and political affairs. Where these duties currently fall to the CAO, the CAO would now be relieved of political/policy activities and can focus on proper management of government agencies
- Allows that Mayor-President may appoint an Executive Counsel to give independent legal guidance to the Office of the Mayor-President, while the City-Parish Attorney remains the legal representative of the City-Parish

City Manager as CAO, New Chief of Staff, New Executive Counsel

Logic / Reasoning

- The committee sought to create a separation between the management of the city parish government (in the office of the CAO) and the management of the Mayor President's office (Chief of Staff).
- In creating the Chief of Staff and separating the CAO's current functions, the committee also sought to professionalize the position of the CAO, more in keeping with the functions of an executive position in other cities and counties, that of a "City Manager."
- At the same time, it recommended creating a Chief of Staff position to lead on policy and political affairs of the Mayor-President, while the CAO would manage the government's agencies.
- This committee discussed this as following the design for the Governor's executive team, which has a Commissioner of Administration and Chief of Staff.

Substantive Proposal

CHAPTER 8: FINANCE

CHAPTER 8: FINANCE

- **Section 8.08**: Requires the Mayor-President to **submit a budget** to the Metropolitan Council **on or before October 15** each year.
- **Section 8.13**: Allows **budget message and summaries to be published electronically**.
- **Section 8.16**: Clarifies and defines “work plans.”

Changes to the Budget Schedule

Current

- Mayor-President must submit an executive budget to the Metro Council by November 5, and the Council must adopt by December 15; Budget amendments require 2/3rds vote of the Council and must include budget offsets
- Budget period occurs during Thanksgiving and Christmas holidays
- Executive Budget has been amended only once by Metro Council in last 12 years

Proposed

- Council must receive the executive budget by October 15, and must adopt a budget no later than the final day of the fiscal year
- Adds 30 days to the current budget timeline (8.08)
- Requires the Executive Branch to include the Council Budget Officer in department budget briefings meetings on budget development (2.18)

Changes to the Budget Schedule

Logic / Reasoning

- The committee heard testimony that the Metro Council only amended the Mayor President's Executive Budget once in the last 12 years, and even that one successful budget amendment was minor.
- By comparison, the state budget introduced by the Governor is amended hundreds of times each year by the state legislature to find compromise in spending priorities.
- Therefore, the committee observed that, in practice, the democratic tradition of checks and balances between executive and legislative branches of government is not occurring.
- For that reason, the committee recommended that the length of time available for the Metro Council to perform its oversight of parish spending is too short as well as being constrained by the end of year holiday schedule.
- The committee's intent was to empower the Metro Council to have more time to perform its function of budgetary oversight and input on the policies and priorities of the City-Parish government.

Substantive Proposal

CHAPTER 10: PLANNING AND ZONING

CHAPTER 10: PLANNING AND ZONING

- **Section 10.02**: Provides that the Mayor-President appoints the Planning Director
- **Section 10.04**: Adds “community design plan” and “economic development plan” to the required elements of the comprehensive land use plan.

Planning Department Director

Current

- Appointment of the Planning Director under the responsibility of the Planning Commission, which membership is under the appointment control of the Metro Council. Therefore, the Planning Department is considered under the organizational chart of the Metro Council

Proposed

- Places the appointment of the Planning Director under the authority of the Mayor-President. Therefore, it is expected that this transfers the organizational chart of the Planning Department under the responsibility of the Mayor-President, while the Planning Commission remains an appointed body of the Metro Council

Planning Department and Planning Commission

Logic / Rationale

- The committee looked at functions that were under the Metro Council that appeared to be executive branch functions under the legislative branch of government.
- The committee intentionally left the Planning Commission under the legislative branch to keep the oversight of planning and zoning subject to the governance of the Metro Council as it stands today.
- As an agency staff, in similar communities around the country, the committee heard testimony that Planning Departments are typically in the executive branch and work closely in coordination with the Departments of Public Works in guiding infrastructure decisions.
- The committee observed that the separation of Planning and Public Works between legislative and executive branches of government creates inherent disconnections.
- Finally, EBR's Planning Department is also significantly underfunded by peer city comparisons, and the Executive Branch – which significantly controls the budget in EBR – would likely fund the agency if it is also accountable for its performance.

Next Steps / Timeline

Hold additional public meetings and presentations

- **April – July 2021**

Gain additional input regarding proposed amendments

Timeline to ballot consideration

- **July 28, 2021** – Council must introduce proposed amendments for public hearing and Council consideration
- **August 11, 2021** – Council must approve by majority vote any proposed amendments to proceed to vote of qualified voters of the parish
- **November 13, 2021** – Proposed amendments appear on parishwide ballot

THANK YOU!

DISCUSSION and
Q&A

Chapter Summaries

Chapter 1: General Provisions

- Defines the parish, the city, special districts, and other incorporated municipalities
- Defines the urban, industrial, and rural areas of the parish.
- Provides provisions for annexations to the City of Baton Rouge and additions to the Industrial Areas.

Chapter 2: Governing Bodies

- Defines the Metropolitan Council.
- Sets forth the methods of election, terms, and qualifications for members of the Metropolitan Council.
- Provides for the compensation of the members of the Metropolitan Council.
- Sets the date and time of Metropolitan Council inauguration.
- Outlines the process for filling vacancies in the Metropolitan Council.
- Defines the role of the Council Administrator.
- Sets forth the rules for voting, including the required number of votes for the Metropolitan Council to adopt an ordinance or resolution.
- Requires that all vacancies on boards and commissions be advertised in the official journal for 60 days before the vacancy can be filled.
- Provides for the procedure for the Metropolitan Council to adopt ordinances and resolutions, including required introduction (or first reading), and for emergency items.
- Sets forth the means for the Metropolitan Council to remove an officer or employee that the Council appoints.
- Requires certain ordinances be submitted to the Mayor-President for signature before they are effective.
- Defines the role of the Council Budget Officer.
- Provides for terms, term limits, and required attendance for members of boards and commissions.

Chapter Summaries

Chapter 3: Governing Bodies – Powers and Duties

- Defines the powers and duties of the Metropolitan Council.

Chapter 4: Mayor-President

- Provides for the method of election and term and term limits for the Mayor-President of the City-Parish.
- Defines the role of the Mayor-President.
- Sets forth the duties of the Mayor-President.
- Defines the role of the President Pro Tempore.
- Outlines the process for filling the vacancy in the office of the Mayor-President.
- Defines the Division of Purchasing and sets forth the powers and duties of the Director of Purchasing.
- Provides for process and control of Purchasing.
- Defines the role, qualifications, and duties of the Chief Administrative Officer.

Chapter Summaries

Chapter 5: Department of Public Works

- Defines the departments that make up public works.
- Outlines the duties and responsibilities of each department of public works.
- Provides for the qualifications of the directors of the departments of public works.

Chapter 6: Police Department

- Defines the Baton Rouge Police Department
- Provides for the organization of the BRPD.

Chapter 7: Fire Department

- Defines the Baton Rouge Fire Department
- Provides for the organization of the BRFD.

Chapter Summaries

Chapter 8: Finance

- Defines the role, qualifications, and responsibilities of the Director of the Department of Finance.
- Defines the role, qualifications, and responsibilities of the Parish and City Treasurer.
- Provides for the methods of disbursements of City-Parish funds and the requirement of surety bonds for certain officials.
- Provides for the collection of taxes in the parish.
- Defines the City-Parish government fiscal year.
- Outlines the process and requirements for the annual operating budget, capital budget, budget message, and budget public records and budget public hearings.
- Sets forth the procedure for additional appropriations, lapse of appropriations, certification of funds, and for an annual audit.

Chapter 9: Personnel

- Provides for application of state law with respect to the Baton Rouge Police Department and Baton Rouge Fire Department.
- Provides for the classified civil service system for City-Parish employees.
- Defines the roles, qualifications, and responsibilities of the Personnel Administrator (Director of Human Resources).
- Defines the personnel board powers
- Sets forth the requirement for the classification plan, the pay plan, and promotions.
- Defines prohibited practices in hiring and employment.
- Provides for the City-Parish retirement system.

Chapter Summaries

Chapter 10: Planning and Zoning

- Establishes the Planning Commission, sets its membership, powers and duties, and provides for the term of the members.
- Provides for the Planning Commission staff.
- Defines the Comprehensive Land Use Plan
- Provides for the means of changing zoning and the powers of the Metropolitan Council with respect to zoning matters.

Chapter 11: Miscellaneous

- Defines the role, qualifications, and duties and responsibilities of the Parish Attorney.
- Provides for staffing of the Parish Attorney's Office.
- Defines the Recreation and Park Commission of East Baton Rouge Parish.
- Defines the Public Library system for East Baton Rouge Parish.
- Establishes the Library Board of Control, sets its membership,
- Defines the City Court and Judges and establishes its jurisdiction.
- Defines the City Constable and establishes the roles and duties of that office.
- Provides that certain officers and elected officials hold office until their successor is appointed or elected.
- Provides for the method of amending the Plan of Government.